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EXAMINER

ARK, DARREN W

| ART UNIT | PAPER NUMBER |
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3643

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,814

Applicant(s)

WYMAN ET AL.

Examiner

Darren W. Ark

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/23/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, the term "(CTS)" renders the claim vague and indefinite since it is unclear whether terms in parenthesis are part of the desired invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5, 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by French Pat. No. 1,139,086 to Coutant.

Coutant discloses a support member (1); a constant torque spring motor (12-14) comprising a strip-like spring material (13 made of rubber) wound (13 extends about both 12 & 14) onto at least one storage drum (14) and at least one output drum (12).

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5. Claims 1, 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brakers 1,469,883.

Brakers discloses a support member (1, 10); a constant torque spring motor (generally 26, 27) comprising a strip-like spring material (flat spiral spring 27 of the clock spring type).

6. Claims 1, 5-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by O'Hara 3,889,896.

O'Hara discloses a support member (18); a constant torque spring motor (see Fig. 5) comprising a strip-like spring material (52) wound onto at least one storage drum (54) and at least one out output drum (50).

7. Claims 1-3, 5-11, 21, 22, 24-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jannotta et al. 5,104,056.

Jannotta et al. discloses a support member (170) comprising a hollow barrel tube (see Fig. 1) with a distal open mouth end (172) and a flexible pull-out line support member (26); a constant torque spring motor (10, 36) comprising a strip-like spring material (64) wound onto at least one storage drum (60) and at least one out output drum (34).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over French Pat. No. 1,139,086 to Coutant.

Coutant discloses the spring material being rubber and with a spiral curvature conforming to the at least one storage drum (13 is slightly wound around 14), but does not disclose the spring material comprising a pre-stressed metallic band. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the spring out of a pre-stressed metallic band, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, and because a pre-stressed metallic band would provide the necessary resiliency in casting the fishing gear. *In re Leshin*, 125 USPQ 416.

10. Claims 2-4, 21-24, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Pat. No. 1,139,086 to Coutant in view of Coehlo 2,873,547 or Shotton 2,225,719.

Coutant discloses a support member (1, 2), but does not disclose the support member comprising a hollow tube with a distal open mouth end. Coehlo and Shotton disclose the support member (20 or 21 or 1) comprising a hollow tube with a distal open

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mouth end and a flexible pull out line support (10 or 28). It would have been obvious to a person of ordinary skill in the art to modify the support member of Coutant such that it comprises a hollow tube with a distal open mouth end in view of Coehlo, Kronhaus et al., or Shotton in order to provide an enclosed area from which to launch the fishing gear so that it reliably protects the fishing gear prior to delivery.

11. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Pat. No. 1,139,086 to Coutant in view of Jannotta et al. 5,104,056 or Schulteis 3,812,589.

Alternatively, Coutant does not disclose the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum. Jannotta et al. and Schulteis disclose a CTS motor comprising a strip-like material (64 or 44) wound onto at least one storage drum (60 or 43) and at least one output drum (34 or 45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute the motor using a rubber spring of Coutant for the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum as taught by Janotta et al. and Schulteis in order to provide a motor which has stronger components that will not break under large forces or repeated uses.

12. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Pat. No. 1,139,086 to Coutant in view of Coehlo 2,873,547 or Shotton 2,225,719 as applied to claim 21 above, and further in view of Jannotta et al. 5,104,056 or Schulteis 3,812,589.

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Coutant and Coehlo or Shotton do not disclose the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum.

Jannotta et al. and Schulteis disclose a CTS motor comprising a strip-like material (64 or 44) wound onto at least one storage drum (60 or 43) and at least one output drum (34 or 45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute the motor using a rubber spring of Coutant and Coehlo or Shotton for the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum as taught by Janotta et al. and Schulteis in order to provide a motor which has stronger components that will not break under large forces or repeated uses.

13. Claims 1, 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Pat. No. 1,139,086 to Coutant in view of Jannotta et al. 5,104,056 or Schulteis 3,812,589.

Alternatively, Coutant does not disclose the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum. Jannotta et al. and Schulteis disclose a CTS motor comprising a strip-like material (64 or 44) wound onto at least one storage drum (60 or 43) and at least one output drum (34 or 45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute the motor using a rubber spring of Coutant for the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum as taught by Janotta et al. and Schulteis in order to provide a motor which has stronger components that will not break under large forces or repeated uses.

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14. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Pat. No. 1,139,086 to Coutant in view of Jannotta et al. 5,104,056 or Schulteis 3,812,589 as applied to claim 1 above, and further in view of Coehlo 2,873,547 or Shotton 2,225,719.

Coutant and Janotta et al. or Schulteis discloses a support member (1, 2), but does not disclose the support member comprising a hollow tube with a distal open mouth end. Coehlo and Shotton disclose the support member (20 or 21 or 1) comprising a hollow tube with a distal open mouth end and a flexible pull out line support (10 or 28). It would have been obvious to a person of ordinary skill in the art to modify the support member of Coutant and Janotta et al. or Schulteis such that it comprises a hollow tube with a distal open mouth end in view of Coehlo or Shotton in order to provide an enclosed area from which to launch the fishing gear so that it reliably protects the fishing gear prior to delivery.

15. Claims 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Pat. No. 1,139,086 to Coutant in view of Jannotta et al. 5,104,056 or Schulteis 3,812,589 and Coehlo 2,873,547 or Shotton 2,225,719.

Alternatively, Coutant does not disclose the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum. Jannotta et al. and Schulteis disclose a CTS motor comprising a strip-like material (64 or 44) wound onto at least one storage drum (60 or 43) and at least one output drum (34 or 45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute the motor using a rubber spring of Coutant for the CTS

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motor comprising a strip-like material wound onto at least one storage drum and at least one output drum as taught by Janotta et al. and Schulteis in order to provide a motor which has stronger components that will not break under large forces or repeated uses.

Coutant discloses a support member (1, 2), but does not disclose the support member comprising a hollow tube with a distal open mouth end. Coehlo and Shotton disclose the support member (20 or 21 or 1) comprising a hollow tube with a distal open mouth end and a flexible pull out line support (10 or 28). It would have been obvious to a person of ordinary skill in the art to modify the support member of Coutant such that it comprises a hollow tube with a distal open mouth end in view of Coehlo, Kronhaus et al., or Shotton in order to provide an enclosed area from which to launch the fishing gear so that it reliably protects the fishing gear prior to delivery.

16. Claims 2-4, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brakers 1,469,883 in view of Coehlo 2,873,547 or Shotton 2,225,719.

Brakers discloses a support member (1, 10), but does not disclose the support member comprising a hollow tube with a distal open mouth end. Coehlo, Kronhaus et al., and Shotton disclose the support member (20 or 21 or 1) comprising a hollow tube with a distal open mouth end and a flexible pull out line support (10 or 28). It would have been obvious to a person of ordinary skill in the art to modify the support member of Brakers such that it comprises a hollow tube with a distal open mouth end in view of Coehlo or Shotton in order to provide an enclosed area from which to launch the fishing gear so that it reliably protects the fishing gear prior to delivery.

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17. Claims 1, 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brakers 1,469,883 in view of Jannotta et al. 5,104,056 or Schulteis 3,812,589.

Alternatively, Brakers does not disclose the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum. Jannotta et al. and Schulteis disclose a CTS motor comprising a strip-like material (64 or 44) wound onto at least one storage drum (60 or 43) and at least one output drum (34 or 45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute the motor using a rubber spring of Brakers for the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum as taught by Janotta et al. and Schulteis in order to provide a motor which does not require the crank handle of Brakers to generate the tension in the spring necessary to propel the fishing gear.

18. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brakers 1,469,883 in view of Jannotta et al. 5,104,056 or Schulteis 3,812,589 as applied to claim 1 above, and further in view of Coehlo 2,873,547 or Shotton 2,225,719.

Brakers and Janotta et al. or Schulteis disclose a support member (1, 10), but do not disclose the support member comprising a hollow tube with a distal open mouth end. Coehlo, Kronhaus et al., and Shotton disclose the support member (20 or 21 or 1) comprising a hollow tube with a distal open mouth end and a flexible pull out line support (10 or 28). It would have been obvious to a person of ordinary skill in the art to modify the support member of Brakers and Janotta et al. or Schulteis such that it comprises a hollow tube with a distal open mouth end in view of Coehlo or Shotton in

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order to provide an enclosed area from which to launch the fishing gear so that it reliably protects the fishing gear prior to delivery.

19. Claims 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brakers 1,469,883 in view of Coehlo 2,873,547 or Shotton 2,225,719 and Jannotta et al. 5,104,056 or Schulteis 3,812,589.

Brakers discloses a support member (1, 10), but does not disclose the support member comprising a hollow tube with a distal open mouth end. Coehlo, Kronhaus et al., and Shotton disclose the support member (20 or 21 or 1) comprising a hollow tube with a distal open mouth end and a flexible pull out line support (10 or 28). It would have been obvious to a person of ordinary skill in the art to modify the support member of Brakers such that it comprises a hollow tube with a distal open mouth end in view of Coehlo or Shotton in order to provide an enclosed area from which to launch the fishing gear so that it reliably protects the fishing gear prior to delivery.

Brakers does not disclose the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum. Jannotta et al. and Schulteis disclose a CTS motor comprising a strip-like material (64 or 44) wound onto at least one storage drum (60 or 43) and at least one output drum (34 or 45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to substitute the motor using a rubber spring of Brakers for the CTS motor comprising a strip-like material wound onto at least one storage drum and at least one output drum as taught by Janotta et al. and Schulteis in order to provide a motor which

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does not require the crank handle of Brakers to generate the tension in the spring necessary to propel the fishing gear.

Allowable Subject Matter

20. Claims 12-20, 31-39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coshow 3,503,570 discloses an auxiliary reel (20) having a negator spring or the like may be carried on the outer periphery of the reel housing whereby the length of the line which is payed out may be reeled onto the auxiliary reel rather than onto the stationary spool.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Darren W. Ark
Primary Examiner
Art Unit 3643

DWA